win v. *Parsons*, 186 N. W. 665 (Iowa); *Graham* v. *Page*, 300 Ill. 40, 132 N. E. 817. *Contra*, *Arkin* v. *Page*, 287 Ill. 420, 123 N. E. 30; *Doran* v. *Thompson*, 76 N. J. L. 754, 71 Atl. 296; *Van Blaricom* v. *Dodgson*, 220 N. Y. 111, 115 N. E. 443. Neither policy, nor analogy clearly supports this "family purpose doctrine." Where one member of the family, or the chauffeur, drives another member of the family, *respondeat superior* clearly applies. *Moone* v. *Mathews*, 227 Pa. St. 488, 76 Atl. 219; *McNeal* v. *McKain*, 33 Okl. 449, 126 Pac. 742; *Dennison* v. *McNorton*, 228 Fed. 401 (6th Circ.). But where the car is loaned to the chauffeur, it does not apply. *Mogle* v. *Scott Co.*, 144 Minn. 173, 174 N. W. 832. Nor should it be warped to apply to the indistinguishable situation of a loan to a relative. See 28 HARV. L. REV. 91. The whole question resolves itself into a weighing of conflicting considerations of policy. See Edward W. Hope, "The Doctrine of the Family Automobile," 8 AM. BAR ASS'N JOUR. 359, 365; 20 COL. L. REV. 213. In the situation here presented this should be left to the legislature. See 28 HARV. L. REV. 91. It can hardly be doubted that a statute making the owner of an automobile liable for the injuries caused by it through negligent management by persons licensed by the owner to drive it would be constitutional. See 34 HARV. L. REV. 434.

APPEAL AND ERROR — REVERSING JUDGMENT FOR ERROR TO WHICH NO EXCEPTION HAD BEEN TAKEN. — In a trial for manslaughter the evidence was close. The prosecuting attorney introduced irrelevant evidence and improper argument and secured erroneous instructions, all grossly prejudicial to the defendant. Counsel for the defendant did not object or except through ignorance of trial procedure. *Held*, that the errors will be considered on writ of error. *People* v. *Gardiner*, 135 N. E. 422 (Ill.).

Unless a party reserves a question for review by exception in the trial court, he cannot as of right raise the question on review. In most jurisdictions the appellate court cannot in any event notice questions not properly raised below. But the federal appellate courts may notice a plain error, though it was not assigned. *Oppenheim* v. *United States*, 241 Fed. 625 (2nd Circ.). See RULES OF U. S. CIRC. CT. OF APP., no. 11, 150 Fed. xxv, xxvii. A few jurisdictions have a similar rule in criminal cases. *People* v. *Weiss*, 129 App. Div. 671, 114 N. Y. Supp. 236. Others restrict the application of the rule to capital cases. *People* v. *Brott*, 163 Mich. 150, 128 N. W. 236. Distinctions are drawn between felony and misdemeanor cases. There are also numerous variations of this practice in civil cases. *Cf. Howard* v. *Payne*, 112 S. E. 437 (S. C.). The divergence of such procedure from orthodox common law principles is evident. The objection may be raised that counsel, to have an "anchor to windward" in case of an adverse verdict, might exploit the rule by injecting error into the record through failure to object to erroneous rulings. But since the appellant cannot raise an unreserved point as of right, and since the court will notice such points only in extreme cases, the step taken by Illinois seems properly liberal.

BANKRUPTCY — PREFERENCES — RIGHT TO RESCIND TRANSACTION FOR FRAUD. — The defendants through the fraudulent misrepresentations of one Ponzi gave Ponzi money in return for his notes. Discovering the fraud within four months prior to bankruptcy, they rescinded, and were paid back the amount of their original contributions. The trustee in bankruptcy of Ponzi now sues to recover these sums on the ground that their payment was a preference. *Held*, that it was no preference; the money returned could be traced as being part of a mass which included their original contributions, and that even if it could not be traced, *cestuis*